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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/554,257

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EXAMINER

BOEHLER, ANNE MARIE M

ART UNIT

PAPER NUMBER

3611

MAIL DATE

DELIVERY MODE

01/05/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/554,257	Applicant(s) IWANAGA, SADAMU	
	Examiner Anne Marie M. Boehler	Art Unit 3611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 October 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2,3,6 and 8 is/are allowed.
- 6) ☒ Claim(s) 1,4,5,7 and 9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 1 and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Gotoh et al. (USPN 5,107,949).

Gotoh shows a motorcycle with a seat cowl 20 rearward of seat 17 and a pair of glove bars 43 near the rear portion of seat 17 and formed integrally with the seat cowl (stated in column 7, lines 56-58). The seat cowl and glove bars are mounted together on the body frame, as broadly recited.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 5 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gotoh in view of Galbraith et al. (USPN 6,840,344).

Gotoh lacks a reinforcing rib on an inner surface of the seat cowl and extending vertically.

Galbraith shows a rear cowl piece 46 with vertical ribs that extend from top and side portions of the cowl.

It would have been obvious to one of ordinary skill in the art to provide the Gotoh cowl with vertical ribs, as taught by Galbraith, in order to stiffen and reinforce the cowl.

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5. Claims 9/1 and 9/4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gotoh et al. in view of Hanagan USPN 3,927,727).

Gotoh is silent regarding forming the cowl with a plastic reinforced with fibers.

Hanagan teaches forming a rear motorcycle cowl with glass fiber reinforced plastic.

It would have been obvious to one of ordinary skill in the art to form the Gotoh cowling using glass fiber reinforced plastic, as taught by Hanagan, and as is old and well known in the art, in order to provide a relatively strong and light body cover.

6. Claims 9/5 and 9/7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gotoh and Galbraith as applied to claims 5 and 7 above, and further in view of Hanagan.

The combination is silent regarding forming the cowl with a plastic reinforced with fibers.

Hanagan teaches forming a rear motorcycle cowl with glass fiber reinforced plastic.

It would have been obvious to one of ordinary skill in the art to form the combination cowling using glass fiber reinforced plastic, as taught by Hanagan, and as is old and well known in the art, in order to provide a relatively strong and light body cover.

7. Claim 2, 3, 6 and 8/2, 8/3, 8/6 are allowed.

8. Applicant's arguments filed 10/29/2008 have been fully considered but they are not persuasive.

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Applicant argues that the claims now define over the prior art of record because Gotoh fails to teach a seat cowl “provided separately from the seat”. Applicant argues that the seat is mounted to the body frame separately from the mounting of the cowl and grab bars. However, a separately mounting is not claimed. In fact, it is not entirely clear how the seat is mounted to body frame 15 and whether that connection is separate or spaced apart from the mounting of the seat cowl. However, since a separate mounting is not claimed, neither applicant's disclosure nor the prior art need to show it. Gotoh clearly indicates 17 and seat 29, which are separate elements from seat cowl 20. Both seats are mounted to frame 7 and both the seat 29 and the cowl 20 are mounted to frame 31, as broadly recited. Therefore, the claim language is believed to be met.

9. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anne Marie M. Boehler whose telephone number is 571-

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272-6641. The examiner can normally be reached on 7:30-5:00, Monday-Thursday, and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on 571-272-6612. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Anne Marie M Boehler/
Primary Examiner, Art Unit 3611

Anne Marie M Boehler
Primary Examiner
Art Unit 3611

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